

THE HONOURABLE SRI JUSTICE C.V. RAMULU

WRIT PETITION NO.5013 OF 2002

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DATED: 04-01-2007

Between:

P. Laxman Reddy

.. Petitioner

and

Government of Andhra Pradesh
represented by its Secretary, & CAD
(PW-GV.2) Department and another.

.. Respondents

THE HONOURABLE SRI JUSTICE C.V. RAMULU

WRIT PETITION NO.5013 OF 2002

ORDER:

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 This writ petition is filed seeking a mandamus declaring the G.O.RT.No.42 dated 25-01-2002 issued by the 1st respondent, as arbitrary and illegal.

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 It appears, under the impugned G.O., the case of the petitioner was rejected for re-conveyance of the land acquired for Vamsadhara Project Right Main Canal stating that the petitioner, though given an opportunity, did not turn up for personal hearing before the Secretary, I & CAD (PW) Department. The very G.O. was issued in pursuance of the orders of this Court passed earlier in W.P.No.26109 of 1997 dated 05-02-1999.

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 Now, it is the case of the petitioner that the said G.O.RT.No.42 was issued without giving any reasons and without giving any opportunity to the petitioner and, in fact, the impugned order was passed in view of the pendency of a Contempt Case before this Court in C.C.No.909 of 2000, filed against the willful disobedience on the part of the respondents in implementing the orders of this Court in W.P.No.26109 of 1997 dated 05-02-1999.

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 The learned counsel for the petitioner states that, if really, the petitioner was served with any notice as stated in the G.O., there was no necessity for him to file a Contempt Case before this Court.

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Be that as it may, since no opportunity was given to the petitioner and he was not heard before passing the order, the impugned order is set aside as it is in gross violation of principles of natural justice. The respondents are directed to re-consider the matter after issuing notice to the petitioner and hearing him personally.

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With the above direction, the writ petition is disposed of. There shall be no order as to costs.

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C.V. RAMULU, J

4th January 2007.

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